

**ENVIRONMENTAL ASSESSMENT
FOR
ODOT U.S. HIGHWAY 20 BRIDGE REPLACEMENT
TEMPORARY USE PERMIT OR 59724**

EA Number: OR-030-04-008

Lease/Serial/Case File Numbers: OR 59724

BLM Office: Vale District, Malheur Resource Area

Proposed Actions Title/Type: Temporary Use Permit for Detour

Location of Proposed Action: Willamette Meridian, Oregon
T. 21 S., R. 38 E.,
sec. 10, NW¹/₄NE¹/₄, NE¹/₄NW¹/₄.
T. 21 S., R. 41 E.,
sec. 6, lot 3.

Applicant: Oregon Department of Transportation

Preparation Date: Draft-April 14, 2004, Final-May 5, 2004

1. PURPOSE OF AND NEED FOR THE PROPOSED ACTION

Region 5 of the Oregon Department of Transportation (ODOT) has submitted an application (OR 59724) to authorize the construction, operation, maintenance and termination of a detour for U.S. Highway 20 at Horseshoe Bend and for the use of an old section of the highway at Diversion for hauling road construction materials. This proposed activity would be located within the following described public lands (see attached maps):

Willamette Meridian, Oregon
T. 21 S., R. 38 E.,
sec. 10, NW¹/₄NE¹/₄, NE¹/₄NW¹/₄.
T. 21 S., R. 41 E.,
sec. 6, lot 3.

The detour at Horseshoe Bend would utilize the original highway route, including an existing bridge built in 1932. The road would be upgraded by widening and resurfacing, where necessary, to handle the expected traffic loads. The old bridge would be restored to its original configuration at the end of the project. Two railroad bridges, involving several separate spans, would also be removed as part of the construction project at this location.

An old section of the highway between Namorf and Diversion would be used by construction vehicles hauling road building materials. No widening or resurfacing

would be necessary on this road.

2. CONFORMANCE WITH LAND USE PLANS

The Southeastern Oregon Resource Management Plan (SEORMP), approved September 2002, includes the subject public lands. The proposed action conforms with this land use plan as required by the regulations found at 43 CFR 1610.5-3 (a). The SEORMP and Record of Decision includes the following management action, “Meet public needs for use authorizations such as rights-of-way, leases, and permits consistent with other resource objectives.” (p. 109)

The proposed action conforms with Goal 12 of the Oregon Statewide Planning Goals (December 1974) which is listed as follows:

The goal aims to provide “a safe, convenient and economic transportation system.”

The proposed action does not conflict with the Malheur County Comprehensive Plan (June 1985) or the Malheur County Strategic Plan (December 1996).

3. RELATIONSHIP TO STATUTES, LAWS AND REGULATIONS

The authority for the issuance of rights-of-way and associated temporary use permits is Title V of the Federal Land Policy and Management Act of 1976 (90 STAT. 2776; 43 U.S.C. 1761). The regulations found at 43 CFR 2800, and BLM Manual 2800 provide direction and guidance for the issuance and management of rights-of-way.

4. PROPOSED ACTION AND ALTERNATIVES

4.1 PROPOSED ACTION-PREFERRED ALTERNATIVE

Region 5 of the Oregon Department of Transportation has submitted an application (OR 59507) to authorize the construction, operation, maintenance and termination of a detour for U.S. Highway 20 at Horseshoe Bend and for the use of an old section of the highway at Diversion for hauling road construction materials. The detour would ensure the continued provision of public access to the hot springs to the north. Two railroad bridges, involving several separate spans, would also be removed at Horseshoe Bend as part of the construction project at this location. The proposed action is to issue a temporary use permit to ODOT to authorize this activity. The reason for the replacement of the bridges is the discovery last year that many are in an unsafe condition. This effort is considered by ODOT to be an emergency bridge replacement program to maintain the safety of the traveling public. It also aids in ODOT’s efforts to meet its

requirement of providing an alternate route to I-84 for large truck traffic.

The construction disturbance would be minimal for those portions of the old highway affected, and would occur on previously disturbed ground. The removal of the railroad bridges may involve temporary disturbance of and/or permanent fill deposited in the bed of the Malheur River. Mineral materials used in this project would come from authorized sources, either on public or private land, or both. The primary reason that ODOT needs authorization for this activity is that the right-of-way for these portions of the road was relinquished when the new alignment was constructed. The temporary use permit area would be approximately 11,150 feet in length, 40 feet in width and would contain 10.24 acres, more or less. (Exact acreage to be determined)

4.2 NO ACTION ALTERNATIVE

Under this alternative the temporary use permit would be denied, and ODOT would not be authorized to construct and use these portions of the old highway, and would not be asked to remove the railroad bridges at Horseshoe Bend.

4.3 OTHER ALTERNATIVES

Other alternatives at Horseshoe Bend would include construction of a detour at another location or constructing one lane of the bridge while allowing traffic to travel in the other lane. Other alternatives at Diversion would include construction of a construction haul road at another location.

There is limited room for construction in the Malheur River Canyon, and the subject sections of old highway already exist. For this reason, other alternatives will not be considered further.

5. AFFECTED ENVIRONMENT

A general description of the area may be found in the Southeast Oregon Resource Management Plan.

The site of the proposed temporary use permit areas are along the Malheur River between Vale and Juntura, Oregon.

Cultural Resources:

Prehistoric

The Native people of the Northern Great Basin practiced their ancestral lifeways into the 19th century and were heirs to an extremely ancient cultural tradition. Their technology was effective and efficient, utilizing many multifunctional, light-weight and expendable tools. Gathering activities are attested to by digging sticks, carrying baskets, and milling stones, and hunting is represented by the atlatl and dart, bow and arrow, stone projectile points, stone knives and scrapers.

Historic

Cultural resources associated with the historic use of this area are tied to landforms as transportation corridors: wagon roads, historic homesteads, early irrigation project features, early mining activity areas, and remains of stage and telegraph stations. Exploration into this area by white Europeans began in the early 1830's.

During the 1880's, small communities were established near reliable water sources, and during the 1890's, production of both cattle and sheep prospered.

Paleontological Resources: The exploration for fossil localities has been limited, and confined to Pliocene, Miocene or Pleistocene age soils. The geology of the Malheur River Canyon at this location is composed primarily of basaltic and rhyolitic deposits, so the probability of the presence of fossil remains is low.

Native American Concerns: There are no known Native American concerns in this area. There are no known plant gathering or tool stone quarries in this area.

Land Uses: The old portions of the highway are not grazed by livestock.

There are no mining claims located on the proposed temporary use permit areas.

Recreation: The project site is located within an area which receives limited dispersed recreational use through activities such as hunting and recreational horseback riding. Such activities do not normally occur on the portions of the old highway.

Soils: Soils in the area consist primarily of alluvial deposits.

Vegetation: There is riparian vegetation along the Malheur River.

The natural vegetative community in the upland areas of the canyon is dominated by sagebrush; other plant species occurring on the site include grasses and forbs. The previous ground disturbance at the highway locations have allowed the colonization of exotic invader species.

No special status plant species are known in the area.

The vegetation on the proposed right-of-way consists of native species and weeds. These include the following:

Riparian Native Species	
Red-Osier Dogwood	<i>(Cornus stolonifera)</i>
Coyote Willow	<i>(Salix exigua)</i>
Sedge species	<i>(Carex sp.)</i>
Common Horsetail	<i>(Equisetum arvense)</i>

Upland Native Species	
Bitterbrush	<i>(Purshia tridentata)</i>
Bluebunch wheatgrass	<i>(Pseudoroegneria spicatum)</i>
Wyoming big sage	<i>(Artemisia tridentata spp. wyomingensis)</i>
Basin wildrye	<i>(Elymus cinereus)</i>

Invader Species (Weeds)	
Cheatgrass	<i>(Bromus tectorum)</i>
Tumble mustard	<i>(Sisymbrium altissimum)</i>

Visual Resources: The Horseshoe Bend site is located within a VRM Class II area; the Diversion site is located within a VRM Class III area. The Malheur River Canyon offers scenic views of the red basalt and rhyolite flows of which it is composed.

Water Resources: The Malheur River, a major river in this section of the state, would be affected by the removal of the railroad bridges.

Wetlands/Riparian Zones: There is a riparian zone associated with the Malheur River.

Wildlife: The area provides habitat for wildlife typical of Great Basin areas. These

include elk (winter), mule deer, coyote, sage grouse, and a variety of birds, reptiles and insects.

Fisheries: The Malheur River provides habitat for several species of fish at these locations, including native redband trout.

6. ENVIRONMENTAL IMPACTS

6.1 IMPACTS OF THE PROPOSED ACTION

Impacts to resources considered critical are summarized in the table below. Discussion concerning those resources affected may be found in the appropriate section following the table.

Critical Element	Affected		Critical Element	Affected	
	Yes	No		Yes	No
Air Quality		X	Ground Water Quality		X
ACECs		X	Surface Water Quality	X	
Cultural Resources		X	Wetlands/Riparian Zones		X
Farmlands, Prime/Unique		X	Wild and Scenic Rivers		X
Floodplains		X	Wilderness		X
Native American Religious Concerns		X	Invasive, Nonnative Species		X
T & E Species		X	Environmental Justice		X
Wastes, Hazardous/Solid		X	Adverse Energy Impact		X

Cultural Resources: A survey of the originally proposed route and the alternate route was conducted by ODOT personnel and contract archaeologists. There would be no adverse effects resulting from the implementation of the proposed action on cultural resources if the Special Stipulations (attached) are adhered to.

Paleontological Resources: No fossil flora or faunal resources were located during a field survey conducted by ODOT personnel and contract paleontologists. There would be no adverse effects to paleontological resources if the Special Stipulations (attached)

are adhered to.

Native American Concerns: There would be no adverse effects on native American concerns as a result of the implementation of this action.

Land Uses: Implementation of the proposed action would not conflict with the authorized uses occurring on this tract.

Issuance of this temporary use permit would help to provide for public safety by facilitating the replacement of these bridges.

Recreation: Implementation of the proposed action would not conflict with the dispersed recreational activities occurring in the canyon area.

Soils: Implementation of the proposed construction activities would result in soil disturbance at the locations of the portions of the highway to be improved and of the railroad bridges to be removed.

Vegetation: Some vegetation on the proposed road sections and staging areas for the bridge removal would be removed. Fresh ground disturbance may facilitate the spread of noxious weeds or nonnative species.

Visual Resources: Implementation of the proposed action would be in keeping with VRM Class II and III requirements.

Water Resources: Implementation of the proposed action would temporarily affect water quality in the Malheur River.

Wildlife: The issuance of the proposed temporary use permit would have minimal long-term effects on wildlife in the area.

6.2 IMPACTS OF THE NO ACTION ALTERNATIVE

The choice of this alternative would not result in BLM facilitating the replacement of the subject bridges. The bridges need to and will be replaced; implementation of this alternative would probably result in higher monetary costs to the people of the United States and Oregon. The railroad bridges would not be removed, and would remain a possible attractive nuisance to the public.

No additional vegetation or soil disturbance on the subject public land would occur as a result the choice of this alternative. Additional vegetation or soil disturbance would occur on other public or private land in order to accomplish the proposed project.

7. MITIGATION MEASURES AND RESIDUAL IMPACTS

The loss of vegetation resulting from the implementation of the proposed action is not considered to be significant. Soil disturbance would be minimized through adherence to the terms and conditions of the temporary use permit, including the attached Special Stipulations. In general, long-term adverse environmental impacts would not be significant.

8. PERSONS/AGENCIES CONSULTED

8.1 PERSONS CONSULTED

<u>Name</u>	<u>Position</u>
Bob Alward	Outdoor Recreation Planner
Al Bammann	Wildlife Biologist
Jean Findley	Botanist
Jon Freeman	Realty Specialist/Team Leader
Diane Pritchard	Archaeologist
Steve Christensen	Range Management Specialist
Lynne Silva	Weed Specialist
Shaney Rockefeller	Hydrologist
Cynthia Tait	Fisheries Biologist

8.2 AGENCIES CONSULTED

Oregon Department of Transportation, which has been in contact with ODF&W and FHwA

9. RECOMMENDATION

It is recommended that Temporary Use Permit OR 59724 be issued to the Oregon Department of Transportation to authorize the activity as described in the Proposed Action section above. This temporary use permit would be granted pursuant to Title V of the Federal Land Policy and Management Act of 1976 (FLPMA) , as amended, and would be subject to the Act, applicable regulations contained in 43 CFR 2800 and the Special Stipulations attached to and made part of the grant. It is further recommended that this right-of-way be issued for three years, subject to renewal, and subject to valid existing rights.

The proposed action is in conformance with the Southeastern Oregon Resource Management Plan and is consistent with state and local land use plans.

Issuance of this temporary use permit will not conflict with any foreseeable development plans on the subject lands if the recommended stipulations are adhered to.

The United States owns the surface and mineral estates of the subject lands.

The subject lands have no known unique values, and there are no pending land use applications other than this.

The issuance of the temporary use permit would be consistent with Title V of FLPMA and with the regulations found at 43 CFR 2800.

Preparer: _____

Date: _____

FINDING OF NO SIGNIFICANT IMPACT

I have reviewed Environmental Assessment OR-030-04-008 including the explanation and resolution of any potentially significant environmental impacts. I have determined that the proposed action with the mitigation measures described below will not have any significant impacts on the human environment and that an EIS is not required. I have determined that the proposed project is in conformance with the approved land use plan.

Authorized Official: _____ Date: _____

Field Manager
Malheur Field Office

DECISION RECORD

It is my decision to implement the project as described in EA OR-030-04-008 with the mitigation measures identified below.

Mitigation measures/Remarks:

Authorized Official: _____ Date: _____

Field Manager
Malheur Field Office